

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PENNSYLVANIA EMPLOYEE BENEFIT  
TRUST FUND, on behalf of itself and all others  
similarly situated, JOSEPH MACKEN, and  
COMMISSIONER LINDA A. WATTERS,

Plaintiffs,

v.

ZENECA, INC. and ASTRAZENECA  
PHARMACEUTICALS, L.P.,

Defendants.

Civ. No. 05-075-SLR  
(Lead Case)

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

As permitted by Local Rule 7.1.2(c), plaintiffs hereby notify the Court of a recent decision in a related case. The present case is a class action on behalf of Nexium purchasers nationwide, except California and Massachusetts, where separate single-state class actions are pending. The defendants moved to dismiss the plaintiffs' claims in those actions before moving to dismiss here. The California court just issued its ruling, attached hereto as Exhibit A. The court denied the motions as to the individual plaintiffs, rejecting the same dismissal arguments asserted by defendants in their dismissal motion here. The court addressed individual damages and causation at pp. 5-7, federal preemption at pp. 9-11, the First Amendment at pp. 11-12, the abstention doctrine at p. 12, and any state-law safe harbor at pp. 12-13. The court found at p. 7 that the organizational plaintiffs lacked standing on their unique California claim.

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CHIMICLES & TIKELLIS LLP



Pamela S. Tikellis (#2172)  
A. Zachary Naylor (#4439)  
Robert R. Davis (#4536)  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899  
Telephone: (302) 656-2500  
Facsimile: (302) 656-9053

*Interim Liaison Counsel for Plaintiffs*

Steve W. Berman  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292

Barbara J. Hart  
Christopher J. McDonald  
GOODKIND LABATON RUDOFF &  
SUCHAROW, LLP  
100 Park Avenue  
New York, NY 10017  
Telephone: (212) 907-0700

Jeffrey L. Kodroff  
Theodore M. Lieveman  
SPECTOR, ROSEMAN & KODROFF, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 496-0300

*Interim Co-Lead Counsel for Plaintiffs*

Thomas M. Sobol  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
One Main Street, 4th Floor  
Cambridge, MA 02142  
Telephone: (617) 482-3700

James R. Malone, Jr.  
Michael D. Gottsch  
Daniel B. Scott  
Timothy N. Mathews  
CHIMICLES & TIKELLIS LLP  
361 W. Lancaster Avenue  
Haverford, PA 19041  
Telephone: (610) 642-8500

Ellen Meriwether  
Bryand L. Clobes  
MILLER FAUCHER & CAFFERTY LLP  
One Logan Square  
18th & Cherry Streets, Suite 1700  
Philadelphia, PA 19103  
Telephone: (215) 864-2800

L. Kendall Satterfield  
Richard M. Volin  
FINKELSTEIN, THOMPSON &  
LOUGHRAN  
1050 30th Street, N.W.  
Washington, D.C. 20007  
Telephone: (202) 337-8000

Robert S. Schachter  
Joseph Lipofsky  
Paul Kleidman  
ZWERLING, SCHACHTER &  
ZWERLING, LLP  
41 Madison Avenue, 32nd Floor  
New York, NY 10010  
Telephone: (212) 223-3900

Richard Kirschner  
KIRSCHNER & GARTRELL  
4910 Massachusetts Ave., NW, Suite 215  
Washington, D.C. 20016  
Telephone: (202) 775-0087

Ronald S. Goldser  
ZIMMERMAN REED, PLLP  
651 Nicollet Mall, Suite 501  
Minneapolis, MN 55402  
Telephone: (612) 341-0400

Jason J. Thompson  
CHARFOOS & CHRISTENSEN, P.C.  
5510 Woodward Avenue  
Detroit, MI 48202  
Telephone: (313) 875-8080

Jeffrey S. Goddess  
ROSENTHAL MONHAIT GROSS &  
GODDESS, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801  
Telephone: (302) 656-4433

*Attorneys for Plaintiffs*